

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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TEAMSTERS LOCAL 456 PENSION, HEALTH & WELFARE,  
ANNUITY, EDUCATION & TRAINING, INDUSTRY  
ADVANCEMENT, AND LEGAL SERVICES FUNDS by Louis A.  
Picani, Joseph Sansone, Dominick Cassanelli, Jr., Saul Singer, Ross  
Pepe, and Jeffrey Isaacs as Trustees and fiduciaries of the Funds,  
and WESTCHESTER TEAMSTERS LOCAL UNION NO. 456,

Plaintiffs,

- against -

PCI INDUSTRIES CORP. and ROBERT PERSICO,  
INDIVIDUALLY

Defendants.

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**DEFAULT  
JUDGMENT**

Civil Action No.  
7:19-cv-07311 (CS)

**UPON THE READING AND FILING OF THE ORDER TO SHOW CAUSE** filed by the Plaintiffs, the Trustees of the Teamsters Local 456 Pension, Health and Welfare, Annuity, Education and Training, Industry Advancement, and Legal Services Funds together with the Westchester Teamsters Local Union No. 456, as well as the Affidavit of Daniel Kornfeld, dated the 23rd day of October, 2019, the Affidavit of Andrew Mackle, dated the 22nd day of October, 2019, the Complaint, the Memorandum of Law, the Statement of Damages, and the Affidavits of Service together with the exhibits attached thereto; and

**UPON** the failure of Defendants PCI Industries Corp. and Robert Persico to appear before the Honorable Court at a hearing on December 6, 2019;

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** pursuant to Rules 54 and 55 of the Federal Rules of Civil Procedure, as well as Section 502(g)(2) of the Employee

Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. §1132(g)(2), and Section 301(a) of the Labor Management Relations Act of 1947 ("LMRA"), 29 U.S.C. §185(a):

1. That Plaintiffs' Motion for Default Judgment is hereby **GRANTED**; and
2. That Plaintiffs shall recover judgment against PCI Industries Corp., the total amount of \$194,755.63 plus the additional interest described below consisting of:
  - a. \$143,149.60 in fringe benefit contributions and deductions for the periods June 9, 2019 through September 30, 2019;
  - b. \$2,538.12 in interest on the unpaid contributions and deductions calculated through December 3, 2019, plus additional daily interest in the amount of \$39.21 per day commencing on December 4, 2019; \$39.21 per day commencing on December 4, 2019 through the date of entry of judgment in the amount of \$ 235.26 ;
  - c. \$1,811.12 in interest on the late paid contributions and deductions;
  - d. \$43,103.84 in liquidated damages in connection with the unpaid and late paid contributions;
  - e. \$4,152.95 in attorneys' fees and costs; and
3. That Plaintiffs shall recover judgment against Robert Persico, individually, the total amount of \$146,343.54 plus the additional interest described below consisting of:
  - a. \$135,868.79 in fringe benefit contributions for the periods June 9, 2019 through September 30, 2019;
  - b. \$7,783.42 in interest on the unpaid contributions calculated through December 3, 2019, plus additional daily interest in the amount of \$50.21 per day commencing on December 4, 2019; \$50.21 per day commencing on

December 4, 2019, through the date of entry of judgment in the amount of

\$ 301.26 ;

- c. \$2,773.66 in interest on the late paid contributions;
  - d. \$4,152.95 in attorneys' fees and costs; and
4. That the Plaintiffs shall have immediate execution on this Judgment, and Plaintiffs shall be entitled to post-judgment interest at the rate provided for by 29 U.S.C. §1961(a).

Dated: December 6, 2019  
White Plains, New York

**ENTERED:**

  
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Honorable Cathy Seibel  
U.S. District Court Judge